

## Internal Revenue Service

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Department of the Treasury

Washington, DC 20224

Third Party Communication: None

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Person To Contact:

, ID No.

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Refer Reply To:

CC:ITA:B05

PLR-113554-21

Date:

August 11, 2021

### Legend

Taxpayer =

Year =

Date1 =

Date2 =

Date3 =

Dear :

This ruling is in reference to Taxpayer's Form 1128, *Application To Adopt, Change, or Retain a Tax Year*, requesting permission to change its accounting period from a taxable year ending December 31, to a taxable year ending November 30, effective November 30, Year. Taxpayer requested that the Form 1128 be considered timely filed under the authority in § 301.9100-3 of the Procedure and Administration Regulations.

Taxpayer, a domestic corporation, is currently on a taxable year ending December 31. Taxpayer proposes to change its taxable year end to November 30. However, Taxpayer's board of directors approved the change in taxable year end on Date1, which is after the due date of the return for the short period. Thus, Taxpayer filed this request with its Form 1128 on Date2, which is within 90 days after Date3, the due date of the return for the short period.

Rev. Proc. 2006-45, 2006-2 C.B. 851, provides procedures for certain corporations to obtain automatic approval to change their annual accounting period under § 442 of the Internal Revenue Code. A corporation complying with all the applicable provisions of this revenue procedure will be deemed to have obtained the approval of the Commissioner of the Internal Revenue Service to change its annual accounting

period. Section 7.01(2) of Rev. Proc. 2006-45 provides that a Form 1128 filed pursuant to the revenue procedure will be considered timely filed for purposes of § 1.442-1(b)(1) of the Income Tax Regulations only if it is filed on or before the time (including extensions) for filing the return for the short period required to effect such change.

Section 301.9100-3(a) provides that requests for extensions of time for regulatory elections that do not meet the requirements of § 301.9100-2 (automatic extensions), such as the instant case, must be made under the rules of § 301.9100-3. Request for relief subject to § 301.9100-3 will be granted when the taxpayer provides evidence to establish that the taxpayer acted reasonably and in good faith, and that the granting of relief will not prejudice the interest of the government.

Based on the facts and information submitted and the representations made, we conclude that Taxpayer has acted reasonably and in good faith, and that the granting of relief will not prejudice the interest of the government. Accordingly, Taxpayer has satisfied the requirements of the regulations for the granting of relief, and Taxpayer's late filed request to change to November 30, effective November 30, Year, is considered timely filed.

Because a change in period under Rev. Proc. 2006-45 is under the jurisdiction of the Director, Internal Revenue Service Center, where the taxpayer's returns are filed, we have forwarded the application to the Director, Ogden Utah Service Center. Any further communication regarding this matter should be directed to the Service Center.

This ruling is based upon facts and representations submitted by the taxpayer and accompanied by a penalty of perjury statement executed by an appropriate party. This office has not verified any of the material submitted in support of the request for a ruling. However, as part of the examination process, the Service may verify the factual information, representations, and other data submitted.

This ruling addresses the granting of § 301.9100-3 relief only. We express no opinion regarding the tax treatment of the instant transaction under the provisions of any other section of the code or the regulations that may be applicable, or regarding the tax treatment of any conditions existing at the time of, or effects resulting from, the instant transaction. Specifically, we express no opinion as to whether Taxpayer is permitted under the Code and applicable regulations to change to the tax year requested in the Form 1128, or whether the change may be effected under Rev. Proc. 2006-45.

A copy of this letter ruling must be attached to Taxpayer's income tax return to which it is relevant. Alternatively, taxpayers filing their returns electronically may satisfy this requirement by attaching a statement to their return that provides the date and control number of the letter ruling.

This ruling is directed only to the taxpayer requesting it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent. Enclosed is a copy of

the letter ruling showing the deletions proposed to be made when it is disclosed under § 6110.

In accordance with the Power of Attorney on file with this office, a copy of this letter is being sent to your authorized representative.

Sincerely,

Christina M. Glendening  
Senior Counsel, Branch 5  
Office of Associate Chief Counsel  
(Income Tax & Accounting)

Enclosure (1)

cc: